



General Assembly

February Session, 2012

Raised Bill No. 376

LCO No. 1869

* ____SB00376PD____041712____*

Referred to Committee on Environment

Introduced by:
(ENV)

***AN ACT CONCERNING THE COASTAL MANAGEMENT ACT AND
SHORELINE FLOOD AND EROSION CONTROL STRUCTURES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 22a-92 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (b) In addition to the policies stated in subsection (a) of this section,
5 the following policies are established for federal, state and municipal
6 agencies in carrying out their responsibilities under this chapter:

7 (1) Policies concerning development, facilities and uses within the
8 coastal boundary are: (A) To manage uses in the coastal boundary
9 through existing municipal planning, zoning and other local
10 regulatory authorities and through existing state structures, dredging,
11 wetlands, and other state siting and regulatory authorities, giving
12 highest priority and preference to water-dependent uses and facilities
13 in shorefront areas; (B) to locate and phase sewer and water lines so as
14 to encourage concentrated development in areas which are suitable for
15 development; and to disapprove extension of sewer and water services

16 into developed and undeveloped beaches, barrier beaches and tidal
 17 wetlands except that, when necessary to abate existing sources of
 18 pollution, sewers that will accommodate existing uses with limited
 19 excess capacity may be used; (C) to promote, through existing state
 20 and local planning, development, promotional and regulatory
 21 authorities, the development, reuse or redevelopment of existing
 22 urban and commercial fishing ports giving highest priority and
 23 preference to water dependent uses, including but not limited to
 24 commercial and recreational fishing and boating uses; to disallow uses
 25 which unreasonably congest navigation channels, or unreasonably
 26 preclude boating support facilities elsewhere in a port or harbor; and
 27 to minimize the risk of oil and chemical spills at port facilities; (D) to
 28 require that structures in tidal wetlands and coastal waters be
 29 designed, constructed and maintained to minimize adverse impacts on
 30 coastal resources, circulation and sedimentation patterns, water
 31 quality, and flooding and erosion, to reduce to the maximum extent
 32 practicable the use of fill, and to reduce conflicts with the riparian
 33 rights of adjacent landowners; (E) to disallow the siting within the
 34 coastal boundary of new tank farms and other new fuel and chemical
 35 storage facilities which can reasonably be located inland and to require
 36 any new storage tanks which must be located within the coastal
 37 boundary to abut existing storage tanks or to be located in urban
 38 industrial areas and to be adequately protected against floods and
 39 spills; (F) to make use of rehabilitation, upgrading and improvement of
 40 existing transportation facilities as the primary means of meeting
 41 transportation needs in the coastal area; (G) to encourage increased
 42 recreational boating use of coastal waters, where feasible, by (i)
 43 providing additional berthing space in existing harbors, (ii) limiting
 44 non-water-dependent land uses that preclude boating support
 45 facilities, (iii) increasing state-owned launching facilities, and (iv)
 46 providing for new boating facilities in natural harbors, new protected
 47 water areas and in areas dredged from dry land; (H) to protect coastal
 48 resources by requiring, where feasible, that such boating uses and
 49 facilities (i) minimize disruption or degradation of natural coastal
 50 resources, (ii) utilize existing altered, developed or redevelopment

51 areas, (iii) are located to assure optimal distribution of state-owned
 52 facilities to the state-wide boating public, and (iv) utilize ramps and
 53 dry storage rather than slips in environmentally sensitive areas; (I) to
 54 protect and where feasible, upgrade facilities serving the commercial
 55 fishing and recreational boating industries; to maintain existing
 56 authorized commercial fishing and recreational boating harbor space
 57 unless the demand for these facilities no longer exists or adequate
 58 space has been provided; to design and locate, where feasible,
 59 proposed recreational boating facilities in a manner which does not
 60 interfere with the needs of the commercial fishing industry; and (J) to
 61 require reasonable mitigation measures where development would
 62 adversely impact historical, archaeological, or paleontological
 63 resources that have been designated by the state historic preservation
 64 officer.

65 (2) Policies concerning coastal land and water resources within the
 66 coastal boundary are: (A) To manage coastal bluffs and escarpments so
 67 as to preserve their slope and toe; to discourage uses which do not
 68 permit continued natural rates of erosion and to disapprove uses that
 69 accelerate slope erosion and alter essential patterns and supply of
 70 sediments to the littoral transport system; (B) to manage rocky
 71 shorefronts so as to insure that development proceeds in a manner
 72 which does not irreparably reduce the capability of the system to
 73 support a healthy intertidal biological community; to provide feeding
 74 grounds and refuge for shorebirds and finfish, and to dissipate and
 75 absorb storm and wave energies; (C) to preserve the dynamic form and
 76 integrity of natural beach systems in order to provide critical wildlife
 77 habitats, a reservoir for sand supply, a buffer for coastal flooding and
 78 erosion, and valuable recreational opportunities; to insure that coastal
 79 uses are compatible with the capabilities of the system and do not
 80 unreasonably interfere with natural processes of erosion and
 81 sedimentation, and to encourage the restoration and enhancement of
 82 disturbed or modified beach systems; (D) to manage intertidal flats so
 83 as to preserve their value as a nutrient source and reservoir, a healthy
 84 shellfish habitat and a valuable feeding area for invertebrates, fish and

85 shorebirds; to encourage the restoration and enhancement of degraded
86 intertidal flats; to allow coastal uses that minimize change in the
87 natural current flows, depth, slope, sedimentation, and nutrient
88 storage functions and to disallow uses that substantially accelerate
89 erosion or lead to significant despoliation of tidal flats; (E) to preserve
90 tidal wetlands and to prevent the despoliation and destruction thereof
91 in order to maintain their vital natural functions; to encourage the
92 rehabilitation and restoration of degraded tidal wetlands and where
93 feasible and environmentally acceptable, to encourage the creation of
94 wetlands for the purposes of shellfish and finfish management, habitat
95 creation and dredge spoil disposal; (F) to manage coastal hazard areas
96 so as to insure that development proceeds in such a manner that
97 hazards to life and property are minimized and to promote
98 nonstructural solutions to flood and erosion problems except in those
99 instances where structural alternatives prove unavoidable and
100 necessary to protect existing inhabited structures, infrastructural
101 facilities or water dependent uses; (G) to promote, through existing
102 state and local planning, development, promotional and regulatory
103 programs, the use of existing developed shorefront areas for marine-
104 related uses, including but not limited to, commercial and recreational
105 fishing, boating and other water-dependent commercial, industrial and
106 recreational uses; (H) to manage undeveloped islands in order to
107 promote their use as critical habitats for those bird, plant and animal
108 species which are indigenous to such islands or which are increasingly
109 rare on the mainland; to maintain the value of undeveloped islands as
110 a major source of recreational open space; and to disallow uses which
111 will have significant adverse impacts on islands or their resource
112 components; (I) to regulate shoreland use and development in a
113 manner which minimizes adverse impacts upon adjacent coastal
114 systems and resources; and (J) to maintain the natural relationship
115 between eroding and depositional coastal landforms and to minimize
116 the adverse impacts of erosion and sedimentation on coastal land uses
117 through the promotion of nonstructural mitigation measures.
118 Structural solutions are permissible when necessary and unavoidable
119 for the protection of infrastructural facilities, water-dependent uses, or

120 existing inhabited structures, and where there is no feasible, less
 121 environmentally damaging alternative and where all reasonable
 122 mitigation measures and techniques have been provided to minimize
 123 adverse environmental impacts. A coastal site plan filed pursuant to
 124 section 22a-109 for a shoreline flood and erosion control structure is
 125 consistent with all applicable goals and policies of this subsection if
 126 such site plan complies with section 2 of this act.

127 Sec. 2. (NEW) (*Effective from passage*) (a) Subject to the provisions of
 128 subsection (b) of this section, a municipal zoning commission shall find
 129 a coastal site plan for a shoreline flood and erosion control structure
 130 filed pursuant to section 22a-109 of the general statutes is consistent
 131 with all applicable goals and policies of subsection (b) of section 22a-92
 132 of the general statutes, as amended by this act, if: (1) The applicant
 133 submitting such coastal site plan has submitted three alternative
 134 options with such site plan, and (2) such alternative options are
 135 certified by a structural engineer to be consistent with all applicable
 136 goals and policies of subsection (b) of section 22a-92 of the general
 137 statutes, as amended by this act.

138 (b) If a municipal zoning commission does not agree with a
 139 structural engineer's certification made pursuant to subdivision (2) of
 140 subsection (a) of this section, such commission shall, as a condition of
 141 approval of the coastal site plan, propose an alternative option that is
 142 consistent with the applicable goals and policies of subsection (b) of
 143 section 22a-92 of the general statutes, as amended by this act. Such
 144 alternative option shall not be impractical or cost prohibitive. For
 145 purposes of this subsection, "cost prohibitive" means having a total
 146 project cost of not less than fifteen per cent of the assessed value of all
 147 structures located on the property for which the plan has been filed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-92(b)
Sec. 2	<i>from passage</i>	New section

ENV *Joint Favorable*

PD *Joint Favorable*